

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON AS  
TRUSTEE FOR THE CERTIFICATE-  
HOLDERS OF THE CWABS INC., ASSET-  
BACKED CERTIFICATES, SERIES 2006-  
11,

Plaintiff,  
vs.

FIDELITY NATIONAL TITLE GROUP,  
INC.; COMMONWEALTH LAND TITLE  
INSURANCE COMPANY, DOE  
INDIVIDUALS I through X; and ROE  
CORPORATIONS XI through XX, inclusive,

## Defendants.

Case No.: 2:22-cv-00341-ART-NJK

## ORDER GRANTING

**STIPULATION  
TO CONTINUE STAY OF CASE**

Plaintiff, The Bank of New York Mellon fka The Bank of New York, as Trustee for the Certificate holders of the CWABS Inc., Asset-Backed Certificates, Series 2006-11 (“Plaintiff”) and Defendants Fidelity National Title Group, Inc. and Commonwealth Land Title Insurance Company (“Defendants”, and with Plaintiff, the “Parties”), by and through their undersigned counsel, hereby stipulate as follows:

This matter involves a title insurance coverage dispute wherein Plaintiff contends, and Defendants dispute, that the title insurance claim involving an HOA assessment lien and subsequent sale was covered by the subject policy of title insurance. There are now currently

1 pending in the United States District Court for the District of Nevada and Nevada state courts  
 2 more than fifty actions between national banks, on the one hand, and title insurers, on the other  
 3 hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA 2006  
 4 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9 and/or  
 5 CLTA 115.2/ALTA 5 Endorsements.

6 The Parties previously stipulated to limited stays of the case. *See* ECF Nos. 28, 33. The  
 7 limited stay expires on September 19, 2023. The Parties have conferred and believe a sixty-two  
 8 (62) day stay is warranted. On April 11, 2023, the Nevada Supreme Court held oral argument in  
 9 two appeals involving similar coverage disputes in *PennyMac Corp. v. Westcor Land Title Ins.*  
 10 Co., Nevada Supreme Court Case No. 83737 (“*PennyMac*”) and *Deutsche Bank Nat'l Trust Co.*  
 11 v. *Fidelity Nat'l Title Ins. Co.*, Nevada Supreme Court Case No. 84161 (“*Deutsche Bank*”).  
 12 Decisions remain pending in both. The Parties anticipate that the Nevada Supreme Court’s  
 13 decisions in the foregoing appeals may touch upon issues regarding the interpretation of policy  
 14 and claims handling, that could potentially affect the disposition of the instant action.

15 In light of the forthcoming decisions, the Parties believe an additional stay of sixty-two  
 16 (62) days in the instant action will best serve the interests of judicial economy. The Parties request  
 17 that the action be stayed for an additional sixty-two (62) days, through and including, November  
 18 20, 2023. The Parties are to submit a Joint Status Report on or before November 20, 2023. The  
 19 Parties further agree that this stipulation and stay of this case is entered based on the specific  
 20 circumstances surrounding this particular case, and that this stipulation shall not be viewed as a  
 21 reason for granting a stay in any other pending matter.

22 **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby  
 23 stipulate and agree as follows:

24 1. In the interests of judicial economy and in efforts to preserve the Parties’ resources,  
 25 the Parties request that this action be **STAYED FOR AN ADDITIONAL SIXTY-**  
 26 **TWO (62) DAYS**, through and including, November 20, 2023.  
 27 2. All deadlines currently set in this case shall remain **VACATED**.

28

1           3. The Parties are to submit a Joint Status Report, or further stipulation to stay, on or  
2           before November 20, 2023.  
3           4. The stay will not impact subpoenas duces tecum and deposition subpoenas to third  
4           parties, and the Parties may enforce subpoenas that the Parties propounded to third  
5           parties during the stay.  
6           5. By entering into this Stipulation, none of the Parties is waiving its right to  
7           subsequently move the Court for an order lifting the stay in this action.

8           **IT IS SO STIPULATED.**

9           DATED this 19<sup>th</sup> day of September, 2023.

10           WRIGHT, FINLAY & ZAK, LLP

11           /s/ Lindsay D. Dragon

12           Lindsay D. Dragon, Esq.  
13           Nevada Bar No. 13474  
14           7785 W. Sahara Ave., Suite 200  
15           Las Vegas, NV 89117  
16           Attorney for Plaintiff, *The Bank of New York*  
17           *Mellon fka The Bank of New York, as Trustee*  
18           *for the Certificate holders of the CWABS*  
19           *Inc., Asset-Backed Certificates, Series 2006-*  
20           *11*

                  DATED this 19<sup>th</sup> day of September, 2023.

                  SINCLAIR BRAUN KARGHER LLP

/s/ Kevin S. Sinclair

                  Kevin S. Sinclair, Esq.  
                  Nevada Bar No. 12277  
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                  Attorney for Defendants, *Fidelity National*  
                  *Title Group, Inc. and Commonwealth Land*  
                  *Title Insurance Company*

19           **IT IS SO ORDERED.**

20           Dated this 20th day of September, 2023.



21           Anne R. Traum  
22           United States District Court Judge